

REMARKS

Applicant has carefully reviewed and considered the restriction requirement mailed on May 5, 2006.

Claims 1-15 are pending.

Claims 1 and 2 have been amended as indicated.

Non-elected Claims 3-15 have been withdrawn.

New Claims 16-21 have been added. Support for added method Claims 16-18 can be found, for example, in the specification in Example 8, pages 43 to 46, and original Claim 12. Support for added modeling Claim 19 can be found, for example, in the specification on page 23, lines 11 to 28. Support for added process and product-by-process Claims 20-21 can be found, for example, in the specification in Example 2 on page 33, lines 5 to 16.

Applicant's representative thank the examiner for his time, candid remarks, and helpful comments during several telephone conversations concerning the restriction requirement.

Election/Restriction

1. The Examiner has required restriction under 35 U.S.C. § 121 to one of the following four groups.

I. Claims 1 and 2 drawn to a crystal of BTK kinase, classified in class 435, subclass 194.

II. Claims 3-10 and 15, drawn to a scalable three-dimensional structure of BTK kinase molecule or a model of molecule or molecular complex comprising at least a portion of the BTK kinase domain binding pocket, classified in class 369.

III. Claim 11, drawn to method of obtaining structure information utilizing the structure of BTK kinase defined by the atomic coordinates in Table 1, classified in class 435, subclass 15.

IV. Claims 12-14, drawn to a computer assisted method for identifying an agent that modulates the activity of BTK, classified in class 702, subclass 27.

Applicant respectfully elects group I, drawn to a crystal of BTK kinase domain without traverse, and without prejudice for rejoinder of method claims using the claimed crystal.

2. Additionally, the Examiner requested identification regarding the claimed subject matter of claim 3. Applicant respectfully submits that Claim 3, now withdrawn as directed to a non-elected invention, is directed to a model of a BTK kinase domain molecule having the specified binding pocket or a molecular complex comprising the BTK kinase domain having the specified binding pocket and with another compound.

3. The Examiner also requested an election of species for examination. Accordingly, Applicant respectfully elects a crystal of the BTK kinase domain or portions thereof and as embodied by amended Claims 1 and 2, and new Claims 16 to 21.

4. Applicant acknowledges the Examiner's restriction between product and process claims and requests examination of linked claims 16-21, or at least preservation and appropriate rejoinder under MPEP § 809 of any applicable restricted process claims.

Conclusion

Applicant respectfully request examination of the elected claims on the merits. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at (612) 336-4686 or the below-listed telephone number.

Respectfully submitted,

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